

DARREN T. BRENNER, ESQ.
Nevada Bar No. 8386
NATALIE L. WINSLOW, ESQ.
Nevada Bar No. 12125
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: darren.brenner@akerman.com
Email: natalie.winslow@akerman.com

Attorneys for BOMF IIIB 2014-19NPL1 Corp.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BOMF IIIB 2014-19NPL1 CORP.,

Plaintiff,

vs.

KEVIN MONINGER, AMELITA MONINGER,
VILLA DEL ORO OWNERS ASSOCIATION,
ASSET RECOVERY SERVICES, DOE
INDIVIDUALS I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

Case No.: 2:17-cv-01106-GMN-PAL

**STIPULATION AND ORDER FOR STAY
PENDING RULING ON MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Plaintiff BOMF IIIB-10NPL1 Corp. (**plaintiff**) and Villa del Oro Owners Association (**HOA**) stipulate and agree as follows:

1. Plaintiff filed a motion for partial summary judgment regarding the application of *Bourne Valley* on February 8, 2018. ECF No. 22. *See also Bourne Valley Court Tr. v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016).

2. Plaintiff's summary judgment motion raises purely legal issues concerning the application of *Bourne Valley* that it asserts can be resolved without discovery. At a minimum, the resolution of the motion could conceivably affect and provide guidance on the extent of necessary discovery, if any, on all issues. If it is granted, it may result in resolution of the entire case.

3. Federal district courts have "wide discretion in controlling discovery." *Little v. City of Seattle*, 863 F.2d 681,685 (9th Cir. 1988).

4. To determine if a stay is appropriate, the court considers (1) damage from the stay; (2) hardship or inequity that befalls one party more than the other; and (3) the orderly course of justice. *See Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007) (setting forth factors). Here, the factors support a stay of all proceedings except dispositive motions based on *Bourne Valley*.

5. The parties believe a stay is warranted because they will be able to avoid the cost and expense of written discovery and depositions on issues that may be irrelevant based on the *Bourne Valley* decision. Moreover, the court will be relieved of expending further time and effort considering any discovery-related motions or protective orders.

6. The parties agree there will be no significant hardship or inequity against any party, and it is appropriate for this Court to exercise its power to grant a stay of discovery at this time.

AKERMAN LLP	HOA LAWYERS GROUP, LLC
<u>/s/Natalie L. Winslow</u> DARREN T. BRENNER, ESQ. Nevada Bar No. 8386 NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134 <i>Attorneys for BOMF IIIB 2014-19NPL1 Corp.</i>	<u>/s/Steven T. Liozzi</u> STEVEN T. LOIZZI, JR., ESQ. Nevada Bar No. 10920 9500 W. Flamingo, Suite 204 Las Vegas, Nevada 89147 <i>Attorneys for Villa Del Oro Owners Association</i>

ORDER

IT IS SO ORDERED.

DATED this 14 day of February, 2018.


 Gloria M. Navarro, Chief Judge
 UNITED STATES DISTRICT COURT